

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

Oscar Fernandez, Individually and as
Administrator of the Estate of Isidro
Fernandez,

Plaintiff,

vs.

Tyson Foods, Inc.; Tyson Fresh Meats,
Inc.; John H. Tyson; Noel W. White;
Dean Banks; Stephen R. Stouffer; Tom
Brower; Mary A. Oleksiuk; Elizabeth
Croston; Tom Hart; Hamdija
Beganovic; James Hook; Ramiz
Muheljic; Missia Abad Bernal; and
John/Jane Does 1-10,

Defendants.

CASE NO. 20-cv-2079-MAR

INDIVIDUAL DEFENDANTS

**JOHN TYSON, NOEL WHITE, DEAN BANKS, STEPHEN STOUFFER, TOM
BROWER, MARY OLEKSIUK, ELIZABETH CROSTON, TOM HART,
HAMDIJA BEGANOVIC, JAMES HOOK, RAMIZ MUHELJIC, and MISSIA
ABAD BERNAL'S MOTION TO DISMISS**

(Oral Argument Requested)

Defendants Tom Hart, Hamdija Beganovic, James Hook, Ramiz Muheljic, and Missia Abad Bernal (the "Supervisory Defendants") and John Tyson, Noel White, Dean Banks, Stephen Stouffer, Tom Brower, Mary Oleksiuk, and Elizabeth Croston (the "Executive Defendants") (collectively the "Individual Defendants") join the Motion to Dismiss filed in this case by Tyson Foods, Inc. and Tyson Fresh Meats, Inc. ("Tyson"), and respectfully request dismissal of the claims asserted against them on the grounds set forth in that motion.

In addition, the Individual Defendants move for dismissal with prejudice under Rule 12(b)(6) on the additional grounds that the claims against them are barred by the Iowa Worker's Compensation Act. This Motion is supported by the attached Brief in Support of Motion to Dismiss pursuant to Local Rule 7.

WHEREFORE, the Individual Defendants respectfully requests this Court dismiss Plaintiff's complaint and for such further relief as the Court deems just and necessary.

/s/ Kevin J. Driscoll

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CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2020, a true and correct copy of the foregoing document was served upon all counsel of record via the Court's CM/ECF system as follows:

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